

REMARKS

This reply is fully responsive to the Office Action dated March 20, 2006, and is filed within three - (3) months following the mailing date of the Office Action. If needed, the Commissioner is authorized to treat this response as including a petition to extend the 5 time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith is enclosed.

Disclosure/Claim Status Summary:

10 The Examiner stated the Office Action is responsive to communications filed January 09, 2006. Claims 1-96 are pending in this application and Claims 1-3, 6-10, 14, 15, 29-32, 35-38, 43, 44, 58-61, 64, 65, 68, 69, 71, 79-82, 85, and 86 were rejected and Claims 4, 5, 11-13, 16-28, 33, 34, 39-42, 45-57, 62, 63, 66, 67, 70, 72-78, 83, 84, and 87-96 were objected to.

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Claim Rejection/Objection Summary:

Claims 1-96 are pending in the application.

A. Claims 5 and 17 were objected to;

20 B. Claims 1-2, 6, 8-10, 14-15, 30-31, 37-38, 43-44, 59-60, 64-65, and 68-69 were rejected under 35 U.S.C. 102(b) as being anticipated by Horie et al. (US 5,157,692);

C. Claims 3, 32, 61, 71, 80-82, and 85-86 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Horie reference in view of Spinney (US 25 5,390,173);

D. Claims 6-7 and 35-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hone et al. (US 5,157,692) in view of Iwamura et al. (US 2002/114,286);

- E. Claims 29, 58, and 79 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Hone et al. (US 5,157,692) in view of Thorson (US 5,533,198); and
- F. Claims 4-5, 11-13, 16-28, 33-34, 39-42, 45-57, 62-63, 66-67, 70, 72-78, 83-84, and 87-96 were objected to as being dependent upon a rejected base claim.

5 Applicant notes, with appreciation, the Examiner's notification that Claims 4-5, 11-13, 16-28, 33-34, 39-42, 45-57, 62-63, 66-67, 70, 72-78, 83-84 and 87-96 would be allowed if rewritten in independent form including all of the limitations of the base claim
10 and any intervening claims.

A. **Claims 5 and 17 were objected to.**

15 The Examiner objected to Claims 5 and 17, stating that "whereby the messages" and "whereby a messages," respectively, should be "whereby messages," as "the messages" lacks antecedent basis. The Examiner indicated that appropriate correction
was required.

20 The Applicant would like to point out that this is the first time that the Examiner raised the issue of lacking antecedent basis. In the previous objection, no such statement was made and the objection appeared to be an objection based on a grammatical error. Because Claim 5 read, "whereby the messages," it did not appear to be grammatically incorrect and was therefore not amended. Further, Claim 17 was in fact amended to remove "a" between "whereby" and "messages." The "a" included a strikethrough in the
25 amendment and it is possible that the Examiner did not notice the amendment (as a single letter with a strikethrough may not have been readily apparent).

Because this is the first time that the Examiner raised the antecedent basis issue, the Applicant feels that the present Office Action should not have been a final Office

Action, as the antecedent basis issue should have been properly raised in the first Office Action. Therefore, the Applicant respectfully requests that the Examiner remove this Office Action from final status.

5 Notwithstanding the above, Claims 5 and 17 have been amended to remove the text between “whereby” and “messages,” thereby removing any antecedent basis issues. Claim 17 was amended in the response of January 09, 2005, to remove “a” after whereby. Additionally, the present response includes an amendment of Claim 5 removing “the.” As customary with any amendment, the “a” and “the” include strikethroughs to denote
10 the removal of text. Therefore, the pertinent parts of Claims 5 and 17 now read “whereby messages.” Because the claims have been amended to remove any antecedent basis issues, the Applicant respectfully requests that the Examiner withdraw this objection.

15 B. **Claims 1-2, 6, 8-10, 14-15, 30-31, 37-38, 43-44, 59-60, 64-65, and 68-69 were rejected under 35 U.S.C. 102(b) as being anticipated by Horie et al. (US 5,157,692).**

20 Claims 1-2, 6, 8-10, 14-15, 30-31, 37-38, 43-44, 59-60, 64-65, and 68-69 have been cancelled. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

25 C. **Claims 3, 32, 61, 71, 80-82, and 85-86 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Horie reference in view of Spinney (US 5,390,173).**

Claims 3, 32, 61, 71, 80-82, and 85-86 have been cancelled. Therefore, the Applicant respectfully requests that the examiner withdraw this rejection.

D. **Claims 6-7 and 35-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hone et al. (US 5,157,692) in view of Iwamura et al. (US 2002/114,286).**

5 Claims 6-7 and 35-36 have been cancelled. Therefore, the Applicant respectfully requests that the examiner withdraw this rejection.

E. **Claims 29, 58, and 79 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Hone et al. (US 5,157,692) in view of Thorson (US 10 5,533,198).**

Claims 29, 58, and 79 have been cancelled. Therefore, the Applicant respectfully requests that the examiner withdraw this rejection.

15 F. **Claims 4-5, 11-13, 16-28, 33-34, 39-42, 45-57, 62-63, 66-67, 70, 72-78, 83-84, and 87-96 were objected to as being dependent upon a rejected base claim.**

The Examiner stated that Claims 4-5, 11-13, 16-28, 33-34, 39-42, 45-57, 62-63, 20 66-67, 70, 72-78, 83-84, and 87-96 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and rewritten to overcome any claim objections noted above.

25 The Claims have been amended pursuant to the Examiner's statement of allowable claims. Therefore, the Applicant believes that the remaining claims are now in allowable condition and respectfully requests timely allowance of all pending claims.

CONCLUSION

The Applicant respectfully submits that in light of the above amendment/remarks, all claims are now in allowable condition. The Applicant thus respectfully requests timely allowance of all of the pending claims.

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Any claim amendments that are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments.

10 Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those skilled in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

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Further, it should be noted that amendment(s) to any claim is intended to comply with the requirements of the Office Action in order to elicit an early allowance, and is not intended to prejudice Applicant's rights or in any way to create an estoppel preventing Applicant from arguing allowability of the originally filed claim in further off-spring 20 applications.

In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicant or Applicant's representative would be beneficial, the Examiner is encouraged to contact the undersigned at the telephone 25 number indicated below.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as

including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 50-2738 if a credit card form has not been included with this correspondence, or if the credit
5 card could not be charged.

Respectfully submitted,



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